

INFORMATION

FOR

HOMESTEADERS AND INTENDING
SETTLERS

ON

DOMINION LANDS

IN THE

RAILWAY BELT OF BRITISH COLUMBIA

OTTAWA

GOVERNMENT PRINTING BUREAU

1915

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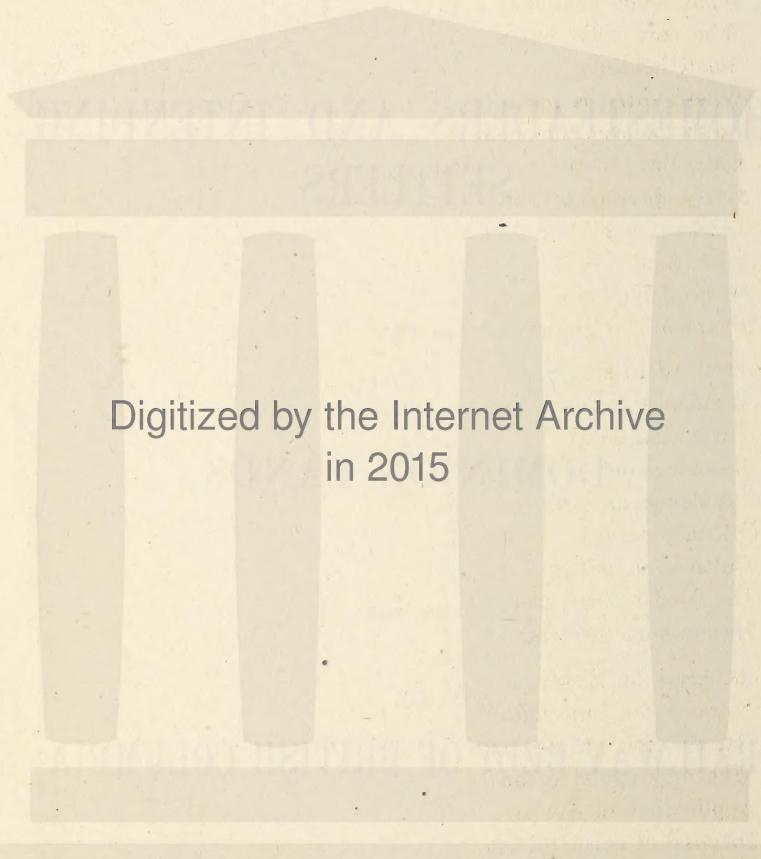
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Information for Homesteaders and Intending Settlers on Dominion Lands in the Railway Belt of British Columbia.

RAILWAY BELT.

The Railway Belt comprises a strip of land forty miles in width following the main line of the Canadian Pacific Railway in British Columbia, being twenty miles on each side of the railway from the boundary of the Province of Alberta on the east to a line drawn approximately north and south from the city of New Westminster at the Pacific Coast. The Railway Belt was transferred to the Dominion by the Province of British Columbia by provincial statute of the 19th December, 1883. (Chapter 14, 47 Victoria.)

Information in regard to available lands in the Railway Belt, the nature of such lands and climatic conditions may be obtained on application to the Dominion Land Agents at New Westminster, Kamloops and Revelstoke.

Lands in British Columbia outside of the Railway Belt, with the exception of a block of land comprising three and one-half million acres in the Peace River district, are under the control of the provincial authorities, and information in regard thereto may be obtained from the Department of Lands, Victoria, British Columbia.

Water rights in the Railway Belt are under the provincial administration at Victoria, British Columbia.

Mines and minerals in the Railway Belt are under the provincial administration, with the exception of coal, stone, gypsum, gravel, oil and natural gas, which are administered by the Dominion Government, and regulations governing same may be had from the Dominion Land Agents.

Timber on Dominion Lands in the Railway Belt is controlled by the Dominion Government.

HOMESTEAD ENTRY

What Lands Available: All surveyed agricultural Dominion Lands within the Railway Belt not reserved or withheld from entry, or not disposed of or occupied, or not in timber berths or valuable for timber, are open to homestead entry.

An entry does not include the minerals or water rights.

Who may make Homestead Entry: Every person who is the sole head of a family, and every male who has attained the age of eighteen years and is a British subject, or declares intention to become a British subject, is entitled to obtain entry for a homestead on payment of an entry fee of ten dollars.

A widow having minor children of her own dependent on her for support is permitted to make homestead entry as the sole head of a family.

A widow who remarries thereby ceases to be the sole head of a family, and is not eligible to make an entry.

A person who has exhausted his or her homestead rights for Dominion land in Manitoba, Saskatchewan, Alberta or British Columbia is not entitled to another homestead entry in the Railway Belt.

Any person who has secured entry in the Railway Belt for less than a quarter-section of Dominion lands may after approval of patent therefor again make entry as provided, and after approval of patent in connection with the latter may make another entry and so on; but no person shall be permitted to acquire Dominion land in the Railway Belt under entry amounting in the aggregate to more than the area of a quarter-section. A person who receives patent for areas aggregating more than three legal subdivisions (120 acres) shall be deemed to have received a full quarter-section.

A person, however, who completed the duties on a homestead to entitle to patent on or before the 2nd June, 1889, is entitled to a second homestead of 160 acres.

Small Holdings: In certain districts homesteads may be restricted to forty acres or to such other areas less than a quarter-section as in the opinion of the department is expedient. Lands deemed to be specially valuable may be disposed of in reduced areas on homestead conditions by sale at public auction or otherwise as may be considered expedient.

Where Entry is Made: Application for a homestead, by a person eligible for entry, may be made either at the Land Agency for the district in which the land is situate, or at the office of a Sub-agent authorized to transact business in the district.

Agencies are located at New Westminster, Kamloops and Revelstoke; Sub-agencies at Salmon Arm and Golden.

Entry Before Sub-agent: When application for homestead entry is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant to the Agent, and in such case the land, if available, will be held until the application papers are received.

When a Sub-agent has received an application for entry for a quarter-section, he must not receive another application for the same quarter-section from any other person until the first application has been dealt with by the Agent.

Application for entry must be made by the applicant in person, except where entry is allowed by proxy as follows:—

Entry by Proxy: Application for homestead entry by proxy is permitted in the case of a person applying on behalf of husband, father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed. In such case the proxy must appear before the Land Agent for the district in person. Application for entry by proxy cannot be accepted by a Sub-agent.

The homesteader on whose behalf such an entry is made must, before the expiration of six months from the date of the entry, appear personally before the Agent (not a Sub-agent) and satisfy him by declaration as provided that he is already in residence or on his way to commence such residence, and in the latter case that he will be in residence before the end of the six months. Should he fail to appear, the Agent must cancel the entry without notice at the end of six months from date of entry.

No extensions of time within which to commence residence duties are granted in connection with a proxy entry.

Entry Obtained by Fraud: When in the opinion of an Agent an entry has been secured under an assumed name or by misrepresentation, personation, perjury, or fraud of any kind, it shall be his duty to secure all available evidence and forward same to Head Office.

If fraud is established to the satisfaction of the Department, the entry will be immediately cancelled, and at the discretion of the Minister the entrant will be liable to loss of improvements or to the right to make a homestead entry, or both.

A homestead is for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever, and the violation of this provision renders the entry liable to cancellation.

LANDS VALUABLE FOR TIMBER.

Lands containing valuable timber are not open to homestead entry. Lands containing less than 2,000 feet B.M. of merchantable timber to the acre are not classed as timber lands. Lands thought to contain merchantable timber in excess of 2,000 feet to the acre must be inspected by a Timber Inspector and the report submitted to the department before the land is disposed of. A settler may be required by the Agent to make a statutory declaration as to the quantity of merchantable timber which is on the land applied for, and at the discretion of the Agent he may withhold the land from entry until a special inspection has been made by a Timber Inspector and the case submitted to the department for decision.

SQUATTING.

Occupation of any Dominion lands by squatting thereon without entry or without the authority of the Department, whether the lands are open for entry or leased, reserved, or held under entry, gives to the squatter no right thereto, and he may be ejected as a trespasser under Section 99 of the Dominion Lands Act and his improvements forfeited to the Crown.

Squatting on lands valuable for timber, or which are in a timber berth whether timbered or not, will give no right either to the land or timber and will result in ejection proceedings and loss of improvements. Logged over lands or other non-timbered lands in timber berths will be dealt with after inspection by the department according to the decision reached, and if withdrawn from timber berth and opened to the public will be placed on the market in accordance with the regulations. Illegal squatters will not be allowed to secure an advantage over the public in advance of the opening of such lands by taking unauthorized possession.

Persons desirous of taking up land by squatting before the survey thereof must first notify the Dominion Lands Agent to ascertain if the land would be otherwise available when surveyed.

APPLICATION FOR LANDS NOT AVAILABLE DOES NOT GIVE PRIORITY.

An application made either in person or in writing for vacant land not then available or land under reservation, or land not available for any reason, will not give the applicant any prior right with respect to such land in the event of it becoming available.

PAYMENT FOR IMPROVEMENTS.

Before a person is granted entry for a homestead, he shall declare what improvements, if any, there are upon the land for which he applies, and pay to the Agent or Sub-agent the full amount of his valuation of such improvements. Should he fail to make such declaration his entry shall be liable to cancellation.

In the event of uncertainty as to the correctness of the entrant's valuation, or if the value of the improvements is placed at over \$25, the Agent shall cause such improvements to be examined and valued by a Homestead Inspector. If a surplus has been paid, the excess amount may be refunded. If insufficient has been paid the entrant must at once pay the difference, otherwise his entry may be cancelled.

HOMESTEAD DUTIES.

RESIDENCE.

A homesteader is required to perform residence duties by residing in a habitable house on his homestead at least six months in each year during a term of three years.

Perfecting Entry: A homesteader is allowed six months from the date of his entry within which to perfect the same by taking possession of the land and beginning his residence duties in connection therewith. Any entry not so perfected within that period is liable to cancellation. For cause shown, however, Head Office may protect an entry for an additional period of six months. This does not apply to entries made by proxy.

Residence Defined: "Residence" or "Residence duties" for the purposes of the homestead law means actual and bona fide residence in a dwelling house by the entrant in person upon the homestead, or in accordance with the vicinity provisions. Residence duties cannot be done by a member of the homesteader's family or by any other person as proxy on his behalf.

Residence by the family only cannot be counted towards patent; but residence by the family admits of liberal protection in the case of an ordinary homestead entry.

Residence while land stands in name of another person will not be accepted.

Residence for six months in each of three years, after homestead entry, satisfies the residence requirement necessary to entitle the entrant to patent, without regard to periods during each year when the residence was done, but absence from the land for more than six months at any one time renders the entry subject to application for cancellation.

Residence for any period less than thirty consecutive days is not accepted as constituting residence for the purpose of perfecting an entry or of establishing an entrant in good standing.

Homestead Year: Homestead duties must be performed during a period of three years. Residence may be calculated—

- (1) from the date of entry, or,
- (2) from the date of commencement of residence, either before or after entry, or,
- (3) from any date subsequent to date of entry or date of commencement of residence, or,
- (4) by the performance of six months' residence in each of three calendar years.

Sleeping on Homestead: Sleeping on a homestead at night for a period of six months in the year, while following elsewhere during the daytime a trade or calling other than agriculture, will not be accepted as residence within the meaning of the Act, unless the residence of the homesteader is established by his family living continuously on the homestead during such period of residence, and by the homestead being his own sole place of abode during such period.

Where it is shown that a homesteader' teaching school during the day makes the land his home in good faith, sleeping there at night, besides performing the necessary cultivation duties, residence may be accepted as satisfactory, but no exemption will be allowed from the performance of any of the duties.

RESIDENCE IN THE VICINITY.

A homesteader may perform the required residence duties by living on a farm owned solely by him in the vicinity of his homestead. Joint ownership in the land will not meet this requirement.

The term "vicinity" is defined as meaning not more than nine miles in a direct line, exclusive of the width of road allowance crossed in the measurement.

Residence with Relatives: If the father, mother, son, daughter, brother or sister of a homesteader has a permanent residence on a farm owned solely by him or her in the vicinity of the homestead, or upon a homestead entered for by him or her in the vicinity, such homesteader may perform his own residence duties so far as his homestead is concerned, by living with such relative.

The privilege above mentioned is also extended to include residence with the following relatives: Step-father, step-mother, step-brother, step-sister, step-son, step-daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, half-brother and half-sister.

When residence has been performed in the vicinity, a dwelling house is not required on the homestead.

A homesteader intending to perform his residence by living on a farm owned by himself or by a relative in the vicinity, must notify the Agent for the district of such intention, giving full particulars as to the location, area and ownership of the land on which it is proposed to perform the residence, including the name and relationship of the owner thereof. In addition the Agent should be kept informed as to the homesteader's post office address. It is most important for a homesteader who proposes to perform residence by living in the vicinity to first have the department approve of such residence, otherwise residence may be put in for which the homesteader cannot be given credit.

Military Service: The time during which an entrant is absent from his homestead, whether he is an alien or a British subject by birth or by naturalization, who has been serving, or is now serving, or who may hereafter serve as a member of any military force, regiment, company or corps of Great Britain, or in any military force, regiment, company or corps of the Allies of Great Britain in Europe, Africa or elsewhere in defence of the British Empire and Allies, and also a period not exceeding three months after his discharge as a member of such force, regiment, company or corps to permit him to resume his residence on his homestead, may be counted as residence spent on his homestead within the meaning of these regulations.

If it is established to the satisfaction of the Minister of the Interior that an entrant while on active service as a member of any such force of Great Britain or its Allies, or enrolled under authority of the Minister of Militia of Canada, is so disabled by wounds received in battle or because of illness resulting therefrom or from any other cause after his enrollment as a member of such force and up to the date of his discharge therefrom, that it is not possible for him because of such wounds or illness or other cause to resume occupation of his homestead and complete the conditions of entry therefor, the Minister may forthwith issue letters patent for the homestead in his favour. The relief in such cases may be either from further cultivation of the homestead or from further residence thereon, or from both, as to the Minister of the Interior or to any Acting Minister of the Interior may appear fair and reasonable.

In the event of the death of such entrant in action, or from wounds or illness or other cause as above stated, similar relief may be granted to his legal representatives.

Military Training: A homesteader may be permitted to count as actual residence performed on the homestead the time spent undergoing annual training in military instruction camps, not exceeding

eighteen days, provided a certificate from his commanding officer is submitted showing that the time involved was actually spent in training.

CULTIVATION DUTIES.

Dry Belt: In the dry belt of the Kamloops division, unless the land is difficult to clear and cultivate on account of timber, a homesteader who resides on his homestead is required to break a total of at least thirty acres of the homestead (of which twenty must be cropped) before applying for patent. A reasonable proportion of the cultivation duties must be done during each year.

Where residence is performed in the vicinity in accordance with the regulations the total required to be broken will be at least fifty acres (of which thirty must be cropped).

Timbered Districts: In the Revelstoke district and the timbered portions of the Kamloops district a homesteader is required to clear and cultivate eight acres and rough clear and cultivate eight acres. For homesteads of eighty acres or less, four acres thoroughly cleared and cultivated and four acres rough cleared and cultivated are required. In the Coast district four acres thoroughly cleared and cultivated and four acres rough cleared and cultivated are required.

Clearing means the thorough removal of slash and stumps. Rough clearing means slashing, piling and burning, and seeding to grass or otherwise cultivating between the stumps.

Where residence is performed in the vicinity in accordance with the regulations the cultivation duties are increased by one-half, namely, instead of eight acres thorough clearing and eight rough clearing, twelve acres thoroughly cleared and cultivated and twelve acres rough cleared and cultivated are required; and for homesteads of eighty acres or less, six acres thoroughly cleared and cultivated and six acres rough cleared and cultivated are required.

Additional thorough clearing to the extent of one-half of the amount of rough clearing required will be accepted in lieu of rough clearing.

Cultivation must be done in each of three years during two of which the breaking must be in crop.

Inspection by a homestead inspector of duties done on cleared land is necessary before patent issues.

DECEASED HOMESTEADERS.

In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions as to the erection of a habitable house and as to cultivation in order to entitle him to obtain letters patent, after the expira-

tion of three years from the date of the entry for the homestead; or the legal representative may assign the homestead to a person eligible to obtain a homestead entry; and the assignee shall, after—

(1) the expiration of three years from the date of entry for the homestead;

(2) holding the homestead for his own exclusive use and benefit from the date of the assignment, and

(3) completing the residence and cultivation requirements in the same manner as the person who made the entry would have been required to complete them, be entitled to letters patent for homestead. The assignee does not thereby exhaust his homestead right.

After being appointed the assignee of a deceased homesteader, such assignee may then make homestead entry in his own name, and he may hold such homestead and perform the duties while acting as an assignee. No person can act as assignee for two different homesteads at the same time.

If a homesteader dies before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The department may, however, on application, extend the time for the performance of the required duties if the legal representatives intend to perform them; but not in the case of a settler who has obtained a homestead entry by proxy unless he had personally appeared at the Agency, or commenced actual residence on the homestead.

When an entrant dies the relatives or heirs should, without delay, inform the Local Agent fully as to their intention of fulfilling the necessary duties and earning patent.

INSANE HOMESTEADERS.

In the event of any person who obtained entry for a homestead becoming insane or mentally incapable, and by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the obtaining of letters patent therefor, the guardian or committee of the said person, or any person who in the event of his death would be entitled as his legal representative to do so, shall only be required to fulfil the conditions as to the erection of a habitable house and as to cultivation before the issue of letters patent; but the letters patent shall not be issued until the expiration of three years from the date of entry.

If a homesteader becomes insane or mentally incapable before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The department may, however, on application, extend the time for the performance of duties by the guardian or legal representative, but not in the case of a proxy entrant unless he had personally appeared at the Agency or commenced actual residence on the homestead.

CANCELLATION.

Reasons for Cancellation: An entry is liable to cancellation:—

(a) If the residence or cultivation duties or other conditions are not being fulfilled.

(b) If a homesteader is absent from the homestead for a period of over six months at any one time.

(c) If obtained or granted by error, personation, misrepresentation, perjury, or other fraud.

(d) If the land is valuable because of merchantable timber upon it.

(e) If improvements upon the land have not been paid for or have been misrepresented.

(f) If an entrant executes an abandonment of his entry for a consideration, or assigns or agrees to assign any right therein prior to issue of patent or if he has paid a consideration to a former entrant.

CANCELLATION PROCEEDINGS.

Who May Apply to Cancel: Application to cancel an entry liable to cancellation may be made by a person eligible to enter for the land if it were available.

Before an application to cancel is accepted from a woman claiming to be the head of a family, her eligibility to make an entry must first be established.

Application to Cancel.

Application for the cancellation of an entry liable to cancellation must be made in person at the Land Agency for the district within which the land is situate, or at the office of a Sub-agent authorized to transact business for that district.

When application for cancellation is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant, as in the case of homestead entry.

An application for cancellation will not be accepted or considered if made within six months of the date on which the entry was granted unless application should be made on the ground of ineligibility or fraud. In such case the application may be accepted at any time after date of entry, and must be accompanied by a statement on oath giving full particulars.

An applicant for cancellation may not make a second application until the first is disposed of.

The applicant for the cancellation of an entry in default is required to make a statutory declaration stating in what particulars the entrant is in default, also that he has visited the land affected, and that he has personally satisfied himself that the duties are not being properly performed. If his statement should subsequently be found to be incorrect in material points, the applicant will lose his right to enter for the land in case it should become available or if the entry has been granted him it may be summarily cancelled.

When an application for cancellation is accepted by the Agent he shall, on the prescribed form, give the entrant sixty days within which to show cause why his entry should not be cancelled.

Should he fail to file a defence, his entry will be summarily cancelled by the Agent.

In the event of the entrant filing a defence, it must be submitted for consideration to Head Office at Ottawa.

Disposal of Cancelled Lands.

When an entry is cancelled by proceedings taken upon an application for cancellation, or when there is an application to cancel prior to cancellation, the applicant for cancellation is given thirty clear days to make entry. Notice to the applicant must be sent by mail, and the Agent is not required to notify any other person in connection with the quarter-section.

If the applicant for cancellation fails to appear within the thirty days allowed, the Agent will forthwith post a notice of the cancellation in his office, available for public inspection, giving the date and hour of such posting, and the land will, after being posted for ten clear days, become available to the first eligible applicant thereafter.

ABANDONMENT OF ENTRY.

A homesteader may, by permission of Head Office, abandon his entry, and obtain authority to make another entry upon executing the prescribed declaration.

The abandonment of a homestead entry after cancellation proceedings against it have been begun does not affect the right of the applicant for cancellation.

Abandonment in Favour of a Relative: A homesteader whose entry is not the subject of cancellation proceedings may abandon the same in favour of a father, mother, son, daughter, brother or sister, if eligible, upon filing the usual declaration.

Residence duties done by the entrant are not credited to the relative.

Abandonment of Proxy Entry: An abandonment in favour of a relative, executed by a settler who holds a proxy entry, will only be accepted provided the entrant has appeared before the Agent for the district and has filed the usual statutory declaration on Form "82C," and further satisfies the Agent by statutory declaration that he (the entrant) has lived upon the land for a period of not less than thirty days.

Must be Sent Agent for the District: Declarations of abandonment must be sent to the Agent of Dominion Lands for the district in which the land is situated. The agent will immediately note such abandonment and forward it to the department at Ottawa for consideration and action.

All declarations of abandonment must reach the department before permission will be given the applicant to re-enter. No abandonment by wire will be accepted.

PATENT.

Application for patent may, after completion of the duties, be made by an entrant before an Agent, or before a Sub-agent for the district.

Evidence must be taken only from disinterested witnesses resident on farming land in the locality, who are able to testify from their personal knowledge and not from hearsay, and who are not members of the entrant's family.

Failure on the part of a homesteader to apply for patent within a period of five years from the date of entry renders his right to the homestead liable to forfeiture.

NATURALIZATION.

Patent cannot be issued to any entrant who is not a British subject by birth or naturalization, with the exception, that any alien who has not resided in the British Dominions, or been in the service of the Crown, for the period necessary for naturalization under the Naturalization Act, 1914, shall be entitled to obtain letters patent for a homestead in the same manner as if he were a British subject, provided that he satisfy the Minister of the Interior that in all respects save such period of residence or service he is qualified to be naturalized, and declare upon oath his intention to be so naturalized as soon as he has completed such period of residence or service.

TRAFFICKING IN DOMINION LANDS.

Except as provided by law in the case of a deceased entrant, and excepting assignments for railway right of way or station grounds, an assignment or transfer of a homestead, or any part thereof, or an agreement to assign or transfer made before the issue of patent, is null and void, and the person so transferring, assigning or agreeing to assign or transfer is liable to forfeit his homestead.

Any person who receives, directly or indirectly, any consideration of any kind in connection with the abandonment of an entry held by him, shall be liable to the cancellation of his entry, and forfeiture of his right to re-enter at the discretion of the Minister.

The person paying, or instrumental in paying, directly or indirectly, such consideration, shall be liable to forfeiture of his right of entry at the discretion of the Minister.

RECEIPTS.

Dominion Land Agents, Crown Timber Agents, Sub-agents, or any other Agent, officer or clerk of the Department of the Interior who receives money for the department is required to issue a receipt therefor, made out on the regular printed form supplied by the department for each and every sum of money so received immediately on its acceptance by him.

Any person paying money for any purpose to a duly appointed agent or official of the department should demand from him a receipt on a regular departmental receipt form. A receipt issued on any other form will not be recognized by the department as valid.

DEPARTMENT OF THE INTERIOR,

OTTAWA, December 1, 1915.

